

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Earl Hill,

Plaintiff,

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

The City of New York; Female NYPD

Officer HARRIS (Officer I.D. #950563)

of the 44th Precinct,

Defendants.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Earl Hill  
ID # 15A3167  
Current Institution Greene CF  
Address 165 Plank Road  
Coxsackie, NY 12051-0008

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name City of New York Shield # -  
Where Currently Employed \_\_\_\_\_  
Address \_\_\_\_\_

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16CV9989

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No  
(check one)

Defendant No. 2 Name Female NYPD Officer HARRIS Shield # \_\_\_\_\_  
Where Currently Employed (Officer I.D. 3950563)  
Address of the 44th Precinct @ 2 East 169th  
Street, Bronx, NY 10452

Defendant No. 3 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
Where Currently Employed \_\_\_\_\_  
Address \_\_\_\_\_

Defendant No. 4 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
Where Currently Employed \_\_\_\_\_  
Address \_\_\_\_\_

Defendant No. 5 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
Where Currently Employed \_\_\_\_\_  
Address \_\_\_\_\_

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

This happened on the streets - - - SEE FACTS

B. Where in the institution did the events giving rise to your claim(s) occur?

N/A

C. What date and approximate time did the events giving rise to your claim(s) occur?

SEE FACTS

D. Facts: SEE ATTACHED "FACTS" @ pages 1 & 2

What  
happened  
to you?

Who did  
what?

Was  
anyone  
else  
involved?

Who else  
saw what  
happened?

**III. Injuries:**

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

**NO PHYSICAL INJURIES**

**IV. Exhaustion of Administrative Remedies: NOT APPLICABLE**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes \_\_\_ No \_\_\_

**N/A**

### FACTS

1. On the date of December 2, 2014 (after leaving my apartment and waiting for an elevator to arrive on the 11th floor) two 44th Precinct uniform officers approached me and my four friends and stated that they were impeding our further movement because of a noise complaint.

2. Soon thereafter a 44th Precinct Sergeant along with a team of uniform officers rushed the floor, kicked in a certain door down the hall from where we were standing, and discovered two hand guns.

3. As a result of the "two-gun" discovery the Sergeant, regardless of the fact that neither the guns or the apartment belonged to any of us, ordered his officers to handcuff all of us.

### AT THE 44TH PRECINCT

4. Upon full search of my person and effects, no contraband, whatsoever, was recovered from me.

5. And upon information and belief a female 44th Precinct uniform officer named HARRIS (officer I.D. #950563) arrested and processed me through the precinct's booking system.

6. As we all sat in the holding area awaiting process, I saw and heard a 44th Precinct Lieutenant ask the Sergeant (who spear-headed the search) what our arrest was about. When he told him, the Lieutenant asked him if he had a warrant to search the apartment. The Sergeant said no, "but I don't care LT—they'll probably go home tomorrow, but tonight their asses are mine!"

### ARRAIGNMENT

7. On the following day of December 3, 2014 at Bronx County arraignment judge set bail on my four friends, pending grand jury action. As I, myself, was also subject to the very-same grand jury action, the judge (because of the existence of a prior August 21, 2013 2nd Degree Gang Assault arrest I had incurred, in which I was, at that time, out on bail since February of 2014) remanded me to the custody of the NYCDC. NOT FAIR!

### CPL § 180.80 DATE

8. Because there was no grand jury action on our scheduled CPL § 180.80 date, my four friends were released from custody. I, on the other hand, was forced to remain in custody on remand status.

9. And because of my remand status the Gang Assault case prosecutor continuously bombarded me with prison offers no less than 12 years. Because of the constant threats of prison time AND

because of being cooped up in a Rikers' Island cell, I became super-stressed out, especially since I was the only one-of-the-five-of us still in a city jail on the fictitious "two-guns" charge.

10. And down the line I caved in and accepted a plea offer of 5 years (of which I am now doing that 5 years).

11. The bottom line is, had the unlawful "two-guns" arrest never happened, I strongly believe that I would've remained at liberty (while out on bail for the August 21, 2013 2nd Degree Gang Assault arrest) without my ever violating any New York State Penal Law offenses.

12. In either event, the above-stated illegal search and seizure of my person and effects, the pinning of the two hand guns on me in which DID NOT belong to me, the false arrest for the two hand guns, the false imprisonment for the two hand guns, and the malicious prosecution of the criminal case by the Bronx County District Attorney for the two hand guns were ALL a major violation of my 4th Amendment Constitutional Rights. (And let's not forget that my bail status was wrongly revoked!)

13. As a direct result of all of the above, this civil suit ensues.

NOT APPLICABLE

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

\_\_\_\_\_  
\_\_\_\_\_

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes \_\_\_\_\_ No \_\_\_\_\_ Do Not Know \_\_\_\_\_

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_ Do Not Know \_\_\_\_\_

If YES, which claim(s)? \_\_\_\_\_

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes \_\_\_\_\_ No \_\_\_\_\_

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

\_\_\_\_\_

1. Which claim(s) in this complaint did you grieve? \_\_\_\_\_

\_\_\_\_\_

2. What was the result, if any? \_\_\_\_\_

\_\_\_\_\_

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. If you did not file a grievance but informed any officials of your claim, state who you informed, \_\_\_\_\_

when and how, and their response, if any: N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

**Note:** You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

**V. Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I respectfully submit to this Court to find the defendants guilty of false arrest, false imprisonment, and malicious prosecution in the sum of \$1,000,000.00

**VI. Previous lawsuits:**

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

On  
these  
claims



**NOT APPLICABLE**

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

\_\_\_\_\_

On  
other  
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes \_\_\_\_\_ No **X**

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

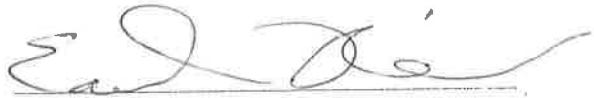
\_\_\_\_\_



I declare under penalty of perjury that the foregoing is true and correct.

Signed this 12<sup>th</sup> day of December, 2016.

Signature of Plaintiff



Inmate Number

15A3167

Institution Address

Greene CF

165 Plank Road

Coxsackie, NY 12051-0008

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 12<sup>th</sup> day of December, 2016 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:



LEGAL MAIL

RECEIVED  
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United States District Courts  
Southern District of New York  
500 Pearl St. (attn: Rose Intake Unit)  
New York, NY 10007

USM<sub>PS</sub>  
SDNY

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Greene Correctional Facility  
PO Box 975  
Coxsack, New York 12051-0975

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